

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

**IN THE MATTER OF:**

<b>DANIEL S. SCHARLACH and</b>	)	
<b>JILLIAN C. SCHARLACH,</b>	)	
<b>Claimants,</b>	)	
	)	<b>Administrative Cause</b>
<b>vs.</b>	)	<b>Number: 08-073W</b>
	)	
<b>ROBERT A. DOSWELL, NYLA</b>	)	
<b>DOSWELL, JOHN J. GRANDE and</b>	)	
<b>LINDA GRANDE,</b>	)	<b>(Riparian Rights</b>
<b>Respondents.</b>	)	<b>Dispute)</b>
	)	
<b>DEPARTMENT OF NATURAL RESOURCES,</b>	)	
<b>Third Party Respondent.</b>	)	

**FINAL ORDER OF SUPPLEMENTATION**

On October 27, 2008, the Natural Resources Commission entered “Findings of Fact and Conclusions of Law with Final Order”. Included in the Final Order were Item (2) and Item (4) as set forth below:

Item (2): The Grandes may maintain their pier and related facilities so long as they do not reconfigure, lengthen, or enlarge the current footprint; provided, however, that they must obtain and file with the Commission a survey before January 1, 2009, performed by a land surveyor registered under IC 25-21.5, which identifies the location of the Grandes’ pier and related facilities. Among the parties and their successors, if a timely survey is performed, the Grandes’ pier and related facilities are treated as if qualified as lawful nonconforming uses under 312 IAC 11-5-2.

Item (4): If no party petitions for judicial review of this Final Order, the Commission and its administrative law judge shall retain jurisdiction over the proceeding until May 1, 2009 to address any matter appropriate to the disposition of Item (2).

In seeking to implement Item (2), John Grande and Linda Grande forwarded correspondence dated October 25, 2008. A survey attached to the correspondence was reduced in size and attached to a “Notice of Conference Following Final Order” entered

on October 31, 2008. This survey is also attached and incorporated by reference in the instant “Final Order of Supplementation”. In the “Notice of Conference Following Final Order”, the Administrative Law Judge scheduled a conference for November 21, 2008 in Columbia City, Indiana at which the parties could offer comments regarding the Grandes’ correspondence or regarding implementation of their request. The parties were also provided an opportunity to tender materials in advance of the conference rather than appearing in person.

On November 12, 2008, the “Third Party Respondent DNR’s Acceptance of Survey” was filed. On November 17, 2008, Daniel Scharlach telephoned the administrative law judge and indicated he had no objection to implementation of Item (2) consistently with the Grandes’ request and the attached survey. Scharlach also stated during his telephone call that he would contact John Grande and inform him he had no objection. Later on November 17, 2008, John Grande telephoned the administrative law judge and indicated Scharlach told him he had informed the Natural Resources Commission that he had no objection.

The administrative law judge appeared as scheduled for the conference on November 21, 2008 in Columbia City. No party appeared on November 21, and no party has otherwise objected to entry of the survey.

Being duly advised, the attached survey is ordered approved and is entered in this proceeding as the supplemental documentation anticipated by Item (2) and Item (4).

Dated: November 25, 2008

